



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

23448

The disclaimants, Reed Richter, Steven J. Hultquist, Virginia Pact Richter, and Thomas Giduz, verify through their duly authorized representative that they are the owners of all right, title and

interest in the above-identified patent application, by Assignment recorded September 15, 1999 in the Assignment records of the Patent and Trademark Office at Reel 010260, Frame 0746.

The disclaimants hereby disclaim the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent 6,281,207 issued on United States Application No. 09/396,335, filed September 15, 1999, entitled "Treatment of Movement Disorders By Administration of Mirtazapine," which was assigned to the above-identified disclaimants by the same aforementioned Assignment recorded September 15, 1999 in the Assignment records of the Patent and Trademark Office at Reel 010260, Frame 0746.

Disclaimants further agree that any United States patent so granted on the above-identified application No. 09/940,309, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent 6,281,207 issued on United States Patent Application No. 09/396,335, this agreement to run with any patent granted on the above-identified application No. 09/940,309, and to be binding upon the grantee, its successors and assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application No. 09/640,309 which is prior to the expiration of the full statutory term of United States Patent 6,281,207 issued on United States Patent Application No. 09/396,335, in the event that such United States Patent 6,281,207 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Enclosed is a credit card payment form payable to Commissioner for Patents in the amount of \$110.00 including the fee of \$55.00 specified in 37 CFR §1.20 for the filing of this Terminal Disclaimer and a \$55.00 extension of time fee. The Patent and Trademark Office hereby is authorized to charge Deposit Account No. 08-3284 in the amount of any deficiency for the filing of this Terminal Disclaimer, together with any other properly payable fee or charge which may be required to effect entry of this Terminal Disclaimer.

I, Steven J. Hultquist, represent that I am a principal attorney of record in United States Patent Application No. 09/940,309 and United States Patent 6,281,207 issued on United States Patent Application No. 09/396,335 and, and am authorized to execute this disclaimer on behalf of the disclaimants. I further declare that the evidentiary documents of ownership have been reviewed and I certify that to the best of disclaimant's knowledge and belief, title is in the disclaimants seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicant and Assignee

November 3, 2003

Date

**INTELLECTUAL PROPERTY/
TECHNOLOGY LAW**
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4164-101 CON